

M e m o r a n d u m

Date: March 18, 2010

To: Office of the Commissioner

Attention: Commissioner J. A. Farrow

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Office of the Assistant Commissioner, Inspector General

File No.: 005.9968.16875.010

Subject: FINAL 2009 COMMAND EVIDENCE INSPECTION OF THE
EL CAJON AREA

I am issuing this final inspection report of the El Cajon Area pursuant to Government Code (GC) §13887, the California Highway Patrol (CHP) Audit Charter and CHP Audit Plan. The inspection focused on the command's evidence system pursuant to departmental policy set-forth in Chapter Two, *Command Evidence* of Highway Patrol Manual (HPM), 22.1, *Command Inspections Program Manual*, and HPM 70.1, *Evidence Manual*.

This inspection was conducted using methodology #3, as presented in HPM 22.1. This is a five step process, which consists of selecting an item in the Area Information System (AIS); locating the item in the Evidence/Property Log; reviewing the corresponding CHP 36, Evidence/Property Receipt/Report; locating the evidence/property item; and verifying the current disposition of the item.

The inspection consisted of examining a stratified random sampling of all categories of evidence/property in the AIS. There were a total of 786 active and 2,789 closed evidence/property numbers in the AIS. The evidence numbers were broken down according to their respective categories within AIS. The evidence numbers associated with closed items were kept separate from the active items. To achieve a statistically defensible sample with a 95 percent confidence level and a plus or minus five percent error rate, 61 items from the active and 60 from the closed categories were inspected. Each category from AIS was stratified to ensure each group was proportionally represented in the sample. The internet web site "randomizer.org" was utilized to randomly select evidence numbers from each stratified category as well as the closed numbers.

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The inspection findings for the El Cajon Area are as follows:

1. The El Cajon Area does did not have documentary evidence of all evidence audits (2007-present). Also, not all evidence audits were signed by the Area commander.
2. The evidence officer did not maintain a suspense file for property notification letters to citizens.
3. Property letters were not attached to specific CHP 36 Evidence/Property Receipt/Report forms regarding property.
4. Large quantities of marijuana were being stored in the supplemental outside metal storage container.
5. Gross/net weights of controlled substances were not properly recorded on one CHP 36 and CHP 36B, Evidence/Property Log forms (E2004-0082).
6. Proper chain of custody was not reflected on CHP 36 forms.
7. The evidence officer did not maintain a suspense file for items removed from the evidence room. The evidence officer did not maintain a suspense file for controlled substances sent to the laboratory for analysis.
8. Controlled substances returned from the laboratory did not contain any documentation (showing weights, positive/negative results, etc.).
9. A supervisor's signature was missing on a Weapons Destruction and CHP 36 form.
10. A claimant of property was allowed to incorrectly sign the front of a CHP 36 form, and no photocopy of personal identification was attached.
11. A BioTox receipt could not be located for receipt of an evidence item.
12. No photocopy of identification was attached to a CHP 36 form related to a released weapon.

13. All weapons have not been entered into the E-Trace system and associated documentation, including AFS information had not been attached to the related CHP 36 forms.
14. An entry on a CHP 36B was improperly documented as "VOID." However, a specific evidence entry was made. The associated CHP 36 form could not be located.
15. A CHP 266B, Credit Memo/Unclaimed Property form did not contain a commander's signature.
16. Documentation to substantiate items donated to the American Veterans Charity Organization could not be located and were improperly documented.
17. An evidence number was not referenced on a CHP 230, Transmittal Record form.
18. A clerical employee failed to sign a CHP 36 form related to currency, which was sent to FMS via the use of a CHP 230 form.

The El Cajon Area Commander agreed with the majority of the findings and has taken corrective action to improve command operations related to the command's evidence system. However, the El Cajon Area disagreed with finding number nine. This finding involves a weapon's destruction form that did not contain a supervisor's signature. No documentation to the contrary has been provided by the El Cajon Area office. As a result, finding nine stands. The Commander's response is attached and is incorporated into this final report.

In accordance with the *International Standards for the Professional Practice of Internal Auditing* and Government Code §13887 (a) (2), this report, the response, and any follow-up documentation is intended for the Office of the Commissioner; Office of the Assistant Commissioner, Field; Office of the Assistant Commissioner, Inspector General; Office of Legal Affairs; Office of Inspections; and Border Division. Please note this report restriction is not meant to limit distribution of the report, which is a matter of public record pursuant to Government Code §6250 et seq.

Border Division has reviewed the corrective action taken by the El Cajon Area and has concluded that all previously identified deficiencies have been resolved. As a result no further reporting is required by the El Cajon Area and matter is considered closed.

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The Office of Inspections would like to thank the El Cajon Area's management and staff for their cooperation during the inspection. If you need further information, please contact me or Captain Ernie Sanchez at (916) 843-3005.

A handwritten signature in black ink, appearing to read "M. C. A. Santiago". The signature is fluid and cursive, with a small flourish at the end.

M. C. A. SANTIAGO, CIG, CLEA
Assistant Commissioner

Attachments

cc: Office of the Assistant Commissioner, Field
El Cajon Area
Border Division
Office of Legal Affairs
Office of Inspections

M e m o r a n d u m

Date: September 29, 2009

To: Office of Inspections

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
El Cajon Area

File No.: 680.10589.11255

Subject: RESPONSE TO EL CAJON AREA COMMAND EVIDENCE INSPECTION
REPORT

This memorandum is intended to serve as the written response to the command evidence inspection report of the El Cajon Area as required by the Office of Assistant Commissioner, Inspector General's memorandum dated June 2, 2009.

FINDINGS REQUIRING FOLLOW-UP:

Finding 1 - Agree. The El Cajon Area's past evidence audits were not properly filed and several audits did not have the Area commander's signature. Area will ensure that future quarterly audits are reviewed and signed by the Area commander.

Finding 2 - Agree. The El Cajon Area's evidence officer has developed and is currently utilizing a suspense system for property letters.

Finding 3 - Agree / Corrected. The El Cajon Area's evidence officer currently attaches the property letter, transfer slip (CHP 266) to Supply Services, or donation slip to the CHP 36 form.

Finding 4 - Agreed / Corrected. The El Cajon Area's evidence officer has corrected this issue by destroying all adjudicated marijuana and moving any remaining evidence into the primary evidence room.

Finding 5 - Agree / Corrected. Evidence Item #E2004-0082 noted the amounts as "residue" and "not measurable". In the future, Area personnel will obtain gross/net weights of controlled substances and enter this information on the CHP 36 forms.

Finding 6 - Agree / Corrected. Area located the items in question and closed the CHP 36 forms. Area believes that the evidence sign out / tracking system will eliminate this issue from occurring in the future.

Finding 7 - Agree / Corrected. The El Cajon Area's evidence officer has designed and is currently utilizing a suspense system for evidence that leaves the evidence room for any reason.

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Finding 8 - Agree / Corrected. The Area is working with the San Diego County Sheriff's Department Crime Lab to ensure that Area is in compliance with this requirement. All evidence returned from the crime lab has weight and content included with the CHP 36 form.

Finding 9 - Disagree. Evidence Item #E2004-0334 was sent to the Academy to be destroyed on May 14, 2004. It was properly listed on a destruction list and had accompanying photos and memoranda signed by the Area commander. The destruction sheet and inventory was received by the Academy and a signed inventory sheet was returned by Academy staff. Area believes it is in compliance regarding this item.

Finding 10 - Agree / Corrected. Area has taken steps to ensure that all released property will be properly documented in the future.

Finding 11 - Agree. The El Cajon Area currently destroys Bio-toxic items at local hospitals and labs. There is no receipt from the business for the destruction of these items.

Finding 12 - Agree / Corrected. The El Cajon Area's evidence officer has corrected this issue by developing a system where he will attach photocopies of identification for all released weapons.

Finding 13 - Agree / Corrected. The El Cajon Area's evidence officer has entered all firearms received into evidence into the E-Trace system. The specific item in question was entered into the E-Trace system on April 16, 2009. Additionally, a printout of each entry was attached to the corresponding CHP 36 forms.

Finding 14 - Agree. Area holds that this was an isolated clerical / entry error. Area has taken measures to ensure that this does not occur in the future.

Finding 15 - Agree / Corrected. Area will ensure that future CHP 266B forms will include a signature from the Area commander.

Finding 16 - Agree / Corrected. The El Cajon Area's evidence officer currently attaches the donation slip to the CHP 36 form. Area has taken measures to ensure that this will not occur again.

Finding 17 - Agree / Corrected. The El Cajon Area's evidence officer has corrected this issue by attaching evidence numbers on old transmittals (CHP 230) from Area dating back to 2005. Area will continue to document all evidence numbers on transmittals containing evidence room cash in the future.

Finding 18 - Agree / Corrected. The El Cajon Area's office technician, Carol Clark, has signed the CHP 36 form in question.

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Questions regarding this response may be directed to Lieutenant Mike Berger via e-mail at mberger@chp.ca.gov or by telephone at (619) 401-4000.



T. L. SUMPRER, Captain
Commander

cc: Office of the Assistant Commissioner, Field
Border Division